

Request for Reconsideration and Protest Proceedings for Newport Beach/Costa Mesa Annexations

Background

On September 16, 2002, Orange County LAFCO approved the annexation/reorganization of three unincorporated areas that are subject to protest provisions as outlined in Government Code Section 57050 *et seq.*

The three approved annexations/reorganization proposals subject to protest are:

- (1) Bay Knolls Reorganization to the City of Newport Beach, (RO 01-04, Area 5D)
- (2) Annexation of the Santa Ana Country Club and the residential/commercial area south of Mesa Drive to the City of Costa Mesa (CA01-20, Area 7 excluding West Santa Ana Heights).
- (3) East Santa Ana Heights annexation to the City of Newport Beach (CA 01-07, Area 8)

Requests for Reconsideration of the Commission's Decision

State law (Government Code Section 56895) allows any person or affected agency to file a request for reconsideration of any Commission action. The request must be filed with the Executive Officer within **30 days** (prior to October 17) of the adoption of the Commission's resolution. It must state the specific change to the Commission's resolution that is being requested and provide new or additional information that supports the reconsideration request. There is a fee for filing a request for reconsideration. *Please see Gov. Code Sec. 56895 for more information.*

Start of the Protest the Period

Unless a request for reconsideration is filed with LAFCO, the period of protest will begin on **October 17, 2002** and end at the close of the Protest Hearing scheduled for **December 2, 2002**. Legal advertisements published in the Orange County Register and posted on the LAFCO website will announce the protest period and the date of the protest hearing. To be valid, a protest signature must be collected between the dates identified in the notice and the signer must be a registered voter or landowner from within the territory subject to the Commission's action. Landowner and registered voter protest petitions are counted separately.

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| 45- Day Period of Protest | - | 10/17/02 through 12/2/02 |
| Protest Hearing | - | 12/2/02 |

Information Required to be Included in a Protest Petition

Each written protest (they may be submitted by petition) must:

- include a description of the action/project being protested (use the descriptions above - either 1, 2, or 3)

- state that you are protesting the Commission's action for that project
- state whether the protest is made by a landowner or registered voter
- if submitted as **Registered Voter Protest**, it must include:
 - Name and Address (as it appears on the affidavit of voter registration)
 - Signature and Date of Signature
- If submitted as **Landowner Protest** it must include:
 - Name and Address of Landowner(s)
 - Address of Property within the Annexation Territory
 - Signature and Date of Signature

Written protests which do not include the required information (see above) and/or which are not signed and dated during the formal protest will be deemed invalid by the registrar of voters. Protests cannot be filed by fax, email, or through phone calls – they must be delivered in writing prior to the close of the protest hearing on December 2, 2002.

Submit Written Protests to LAFCO Office

Written protests should be mailed to:

Dana M. Smith, LAFCO Executive Officer
 12 Civic Center Plaza, Room 235
 Santa Ana, CA 92701

Or you may present your protest at the protest hearing on December 2, 2002.

After the Protest Hearing

Within 30 days following the Protest Hearing, the Executive Officer is required to make a finding regarding the value of written protest filed and not withdrawn and take one of the following actions:

1. Terminate the annexation proceedings if 50% or more of the registered voters within the entire annexation area file valid written protests.
2. Order the annexation subject to the confirmation of the registered voters residing within the affected territory if written protests have been filed and not withdrawn by either of the following:
 - At least 25%, but less than 50%, of the registered voters residing in the affected territory
 - At least 25% of the number of owners of land who also own at least 25 percent of the assessed value of land within the affected territory
3. Order the annexation without election if written protests have been filed and not withdrawn by less than 25% of the registered voters or less than 25% of the number of owners of land owning less than 25% of the assessed value with the affected territory

If you require additional information or further explanation, please see the LAFCO website at www.orange.lafco.ca.gov or contact Carolyn Thomas at (714) 834-2556.